IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3435 OF 2005

Bhikaji Sadashiv Ghate ..Applicnat

Vs.

State of Maharashtra & Anr. ...Respondents

Mr. Vincent D'Silva for Applicant

Mr. D.A.Adsule, A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 9, 2005

P.C.

1. Heard the learned advocate for the applicant and learned A.P.P. for the State.

2. The applicant is seeking quashing of the prosecution under Section 406 of IPC. The said case pertains to FIR No. 262 of 2004 of Saki Naka Police Station. In the said case, Umesh Sonawane the son of the deceased Ananda Sonawane had lodged his report stating therein that his father committed suicide on account of the mental harassment given to his father by the applicant.

Ananda Sonawane committed suicide in the night between 20th and 21st August, 2004. He left behind a suicide note wherein he has stated that the applicant is primarily responsible for his suicide.

3. The learned advocate for the applicant has submitted that the signature on the suicide note of Ananda Sonawane is different from the usual signature of Ananda Sonawane and he has produced some document to show that the signature of Ananda Sonawane on the suicide note is different. On bare perusal of both the documents however, I do not find much discrepancy in the signature, hence, I find no merit in this submission.

4. The learned advocate for the applicant has submitted that the suicide note is dated 16th August 2004 whereas Ananda Sonawane committed suicide in the night between 20th and 21st August, 2004 and hence, the suicide note cannot be relied upon. It is true that the date on the suicide note is 16th August, 2004, however, in my opinion, at this stage, it could not be held that the suicide note is not genuine or cannot be relied upon. It would be necessary to lead evidence to appreciate

all the facts in the case.

5. Looking to the statement of the complainant and the suicide note of Ananda Sonawane, I find that there is sufficient material to proceed in the present case. Hence, in my view, no case for discharge is made out.

6. Application is rejected.

[V.K.TAHILRAMANI,J]